



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

June 28, 2022

Exemption No. 14580C
Regulatory Docket No. FAA-2015-4015

Mr. Chris Richardson
Chief Operation Officer
Lone Star Flight Museum
11551 Aerospace Ave
Houston, TX 77034

Dear Mr. Richardson:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend and amend Exemption No. 14580B. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

The Basis for the FAA's Decision

By letters dated February 11, 2021, March 3, 2022, and June 15, 2022, you petitioned the FAA on behalf of Lone Star Flight Museum (LSFM) for an extension and amendment to Exemption No. 14580B. That exemption provided relief from §§ 91.9, 91.315, 119.5(g), and 119.21(a) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow LSFM to operate the museum's aircraft, the North American B-25 and Douglas A-24B, for the purpose of carrying passengers for compensation or hire for living history flight experiences (LHFE). The amendment you request would remove the Boeing B-17 from the list of authorized aircraft in Conditions and Limitations No. 1.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension and amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to LSFM.

AFS-21-00244-E

The FAA has determined that the justification for the issuance of Exemption No. 14580B remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I grant Lone Star Flight Museum an exemption from 14 CFR §§ 91.9(a), 91.15, 119.5(g), and 119.21(a) to the extent necessary to allow LSFM to operate aircraft for the purpose of carrying passengers for compensation or hire for living history flight experiences, subject to the following conditions and limitations.

Conditions and Limitations

1. This exemption applies only to the aircraft listed below:
 - a. North American B-25, Registration No. N333RW, Serial No. 44-86734; and
 - b. Douglas A-24B, Registration No. N93RW, Serial No. 42-54682.
2. LSFM must maintain and apply, on a continuous basis, an operational control structure that meets the criteria specified in The FAA Policy.
3. LSFM must maintain and apply, on a continuous basis, its Manual System, to include all documents contained herein, used as their basis for an equivalent level of safety, for all operations subject to this exemption. This system must continue to ensure all criteria in The FAA Policy are continuously met, including the conditions and limitations of this exemption. LSFM will be assigned a jurisdictional Flight Standards District Office (FSDO). LSFM must provide its manual system documents, including revisions, in a form and manner acceptable to the LSFM jurisdictional FSDO. Manual and document revisions and a record of revisions must be provided to the jurisdictional FSDO within 10 days of any changes. These documents include, at a minimum:
 - a. LSFM General Operations Manual (GOM);
 - b. LSFM Pilot Qualifications and Training Manual;
 - c. LSFM General Maintenance Manual (GMM);
 - d. LSFM Safety Management System (SMS); and
 - e. LSFM FAA-Approved Aircraft Inspection Program (AAIP), for those aircraft that require compliance with an AAIP.
4. In order to participate in LSFM's program and operations, persons must initially, and on an annual basis, receive training appropriate to their position on the contents and application of LSFM's Manual System, safety and risk management program, and the conditions and limitations set forth in this exemption.

5. LSFM must maintain and apply on a continuous basis its safety and risk management program that meets or exceeds the criteria specified in the FAA Policy for all operations subject to this exemption. This includes, at minimum, the LSFM SMS Manual, used as a basis for an equivalent level of safety.
6. LSFM must maintain all aircraft subject to this exemption in accordance with the—
 - a. LSFM General Maintenance Manual;
 - b. Maintenance requirements as specified in the appropriate type specification sheet, as amended;
 - c. When required by rule an FAA-approved maintenance inspection program that meets the requirements of § 91.409(e), (f)(4), and (g);
 - d. For those aircraft not required to maintain a AAIP, maintain the aircraft in accordance with § 91.409 (a), and (b); and
 - e. Appropriate military technical manuals.
7. LSFM must document and record all ground and flight training and testing. The documentation and records must contain, at minimum, the following information:
 - a. Date of each training or testing session;
 - b. The amount of time spent for each session of training given;
 - c. Location where each session of training was given;
 - d. The airplane identification number(s) in which training was received;
 - e. The name and certificate number (when applicable) of the instructor who provided each session of training;
 - f. The name and certificate number of the pilot who provided each session of testing; and
 - g. For verification purposes, the signature and printed name of the person who received the training or testing.
8. No person may serve as a flight crewmember unless, since the beginning of the 12th calendar month before that service, that pilot has completed all LSFM and FAA-required training, and passed a competency check given by the FAA or an authorized check pilot in that aircraft, to determine the pilot's competence in practical skills and techniques. The competency check will consist of the maneuvers and procedures

currently required for the original issuance of the commercial pilot certificate, except that an actual engine shutdown, restart and propeller feathering exercise, for those pilots already holding the appropriate Type Rating or Experimental Authorization is not required.

9. LSFM must maintain the following information and records:
 - a. The name of each pilot crewmember LSFM authorizes to conduct flight operations under the terms and conditions of this exemption;
 - b. Copies of each pilot crewmember's pilot certificate, medical certificate, qualifications, and initial and recurrent training and testing documentation to comply with these conditions and limitations;
 - c. The name of each mechanic LSFM authorizes to conduct maintenance operations under the terms and conditions of this exemption;
 - d. Copies of each mechanic's certificate, qualifications, and initial and recurrent training, and testing documentation to comply with the terms and conditions of this exemption; and
 - e. Records of maintenance performed, and maintenance inspection records to comply with the conditions above. Maintenance and inspection records must meet the requirements of §§ 43.9, 43.11, and 91.405.
10. LSFM must make available to the FAA upon request, any manual, document or record used to meet the criteria specified in the FAA Policy and these conditions and limitations.
11. Before permitting a person to be carried on board its airplane for the purposes authorized under this exemption, LSFM will inform that person of the type of airworthiness certificate held, and the significance of that certificate as compared to a Standard Airworthiness Certificate.
12. LSFM must notify the jurisdictional FSDO within 24 hours of any of the following occurrences by written report, by electronic mail, or by facsimile:
 - a. Each in-flight fire in any system or area that requires activation of any fire suppression system or discharge of a portable fire extinguisher;
 - b. Each exhaust system component failure including the turbocharger components that causes damage to any engine, structure, cowlings, or components;

- c. Each airplane component or system that causes, during flight, accumulation or circulation of noxious fumes, smoke, or vapor in any portion of the cabin or crew area;
- d. Except when intentional for training, each occurrence of engine shutdown or propeller feathering, and the reason for such shutdown or feathering;
- e. Each failure of the propeller governing system or feathering system;
- f. Any landing gear system or component failure or malfunction, which require use of emergency or standby extension systems;
- g. Each failure or malfunction of the wheel brake system that causes loss of brake control on the ground;
- h. Each airplane structure that requires major repair due to damage, deformation, or corrosion and the method of repair;
- i. Each failure or malfunction of the fuel system, tanks, pumps, or valves;
- j. Each malfunction, failure, or defect in any system or component that requires taking emergency action of any type during the course of any flight; or
- k. For the purpose of this section, "during flight" means the period from the moment the airplane leaves the surface of the earth on takeoff until it touches down on landing.

13. All flight operations must be conducted —

- a. At a minimum operating altitude of not less than 1,000 feet above ground level (AGL);
- b. Between the hours of official sunrise and sunset, as established in the American Air Almanac, as converted to local time;
- c. Within a 50-statute-mile radius of the departure airport with landings only permitted at the departure airport;
- d. With a minimum flight visibility of not less than 3 statute miles and a minimum ceiling of not less than 1,500 feet AGL;
- e. For passenger-carrying flights greater than 25 statute miles from the departure airport and up to 50 statute miles, the pilot-in-control (PIC) must obtain weather reports and forecasts prior to flight and valid for the duration of the proposed operation that indicate that the weather would be no less than

5 statute miles visibility and cloud ceilings no less than 2,000 feet AGL. Passenger-carrying operations shall be terminated if ceiling and visibility become less than the minimum required by these conditions and limitations. Weather forecasts listing discriminators such as probability (PROB), becoming (BECMG), or temporarily (TEMPO) shall be limiting; and

- f. Operations conducted for the purpose of dispersing human remains must comply with applicable Federal, State, and local laws and regulations governing the dispersal of human remains.
14. All flight operations must carry no more than the maximum number of passengers permitted by the aircraft's weight and balance limitations and number of approved seats in the airplane.
 15. All aircraft must have the equipment listed in §§ 91.205(b) and 91.207, and that equipment must be in an operable condition during the flight.
 16. No later than 72 hours prior to commencing flight operations under the terms of this exemption, LSFM must notify the FSDO having geographic responsibility where it intends to conduct the flight operations and shall provide a copy of this exemption upon request.
 17. Aerobatic flight is prohibited while passengers are onboard the aircraft.
 18. Flight within 500 feet of another aircraft (i.e., formation flying) is prohibited.
 19. Prior to flight, the PIC must ensure that a passenger briefing meeting the scope and content of § 135.117 has been provided to the passengers.
 20. Only those listed by LSFM as a qualified PIC or second-in-command (SIC) for the aircraft, may occupy a pilot station, or manipulate the flight controls.
 21. LSFM must operate all flights within the confines of its manual system, the applicable regulations, conditions and limitations of this exemption, and is bound by whichever is more restrictive.
 22. Failure to comply with any of these conditions and limitations is grounds for the immediate suspension or revocation of this exemption.
 23. The Houston FSDO is the jurisdictional FSDO for LSFM and is responsible for oversight of LSFM for all matters pertaining to this exemption and the operation of the aircraft under this exemption unless noted otherwise.
 24. This exemption is not valid for operations outside of the United States of America.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 14580B to 14580C and extends the termination date to June 30, 2024, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2015-4015 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Robert C. Carty

Acting Deputy Executive Director, Flight Standards Service